



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, SEPTEMBER 13, 2006**

**AGENDA**

**JOINT MEETING**

**SPECIAL CITY COUNCIL MEETING**

**and**

**SPECIAL REDEVELOPMENT AGENCY MEETING**

**7:00 P.M.**

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CERTIFICATE**

Morgan Hill Pony Baseball  
*Colt World Series Semi-Finalist*

**PROCLAMATIONS**

Save a Life Month  
*Ken Foot*

Prostate Awareness Month  
*Mayor Kennedy*

**RECOGNITIONS**

Animal Control Officer  
*Daniel Pina*

**CITY COUNCIL REPORT**

Council Member Larry Carr

**CITY COUNCIL COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

***City Council and Redevelopment Agency Action***

**ADOPTION OF AGENDA**

## City Council Action

### CONSENT CALENDAR:

**ITEMS 1-13**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

#### Time Estimate

#### Page

Consent Calendar: 1 - 10 Minutes

1. **AMEND CITY COUNCIL POLICY, CP-05-01: ETHICS POLICY** ..... 1  
Recommended Action(s): **Amend** Council Policy No. CP-05-01: Ethics Policy to Require Board, Commission and Committee Members Acknowledgement/Signature at the Same Time Form 700s (Conflict of Interest Code) are Filed.
2. **BANNER SIGNS OVER PUBLIC STREETS, AND SIGNS AT PUBLIC FACILITIES** ..... 11  
Recommended Action(s): **Refer** to the Community and Economic Development Committee to Consider Revising its Workplan to Review Sign Issues Affecting Public Streets and Public Facilities.
3. **POLICY RELATING TO CITY MANAGER AUTHORIZATION TO SET AND REVISE RECREATION AND COMMUNITY SERVICES DEPARTMENT FEES** ..... 13  
Recommended Action(s): **Adopt** the Policy as Proposed.
4. **CENTENNIAL RECREATION CENTER FITLINXX SOLE SOURCE PURCHASE** ..... 17  
Recommended Action(s): **Approve** Purchase Order of \$62,894, plus Applicable Sales Tax, to FitLinxx for the Purchase of a Centennial Recreation Center Computerized Exercise Network System.
5. **CONSULTANT AGREEMENT WITH NAFFA INTERNATIONAL INC. FOR OUTSIDE PLAN REVIEW, INSPECTION, AND OTHER BUILDING DIVISION RELATED SERVICES, AS NEEDED** ..... 21  
Recommended Action(s): **Authorize** the City Manager to Execute a Contract in the Amount of \$80,000; Subject to Review and Approval by the City Attorney.
6. **POTENTIAL JOINT PROJECT WITH COUNTY OF SANTA CLARA FOR THE DEWITT "S" CURVE** ..... 29  
Recommended Action(s): **Information** Report Only at This Time.
7. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR GATEWAY CENTER PHASE II** ..... 33  
Recommended Action(s):  
  1. **Adopt** Resolution Accepting the Public Improvements for Gateway Center Phase II; and
  2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
8. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9598, QUAIL MEADOWS PHASE II** ..... 39  
Recommended Action(s):  
  1. **Adopt** Resolution Accepting the Subdivision Improvements Included in Tract 9598, Commonly Known as Quail Meadows Phase II; and
  2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

**Page**

9. **REJECTION OF BIDS FOR THE SKATEBOARD PARK AND BMX IMPROVEMENTS AND STEEL SKATEBOARD ELEMENTS (RAMPS) PROJECTS**..... 45  
**Recommended Action(s):**
  1. **Reject** the Bids Received on August 16, 2006 for the Construction of the Skateboard Park Improvements, a Dirt Bicycle Motocross (BMX) Park, and Steel Ramp Skateboard Elements Projects; and
  2. **Direct** Staff to Continue Working with the Youth Advisory Committee and Parks and Recreation Commission to Continue to Develop the Concept of an all Concrete Skateboard Park and Dirt BMX Park and Develop Funding Options for Both.
  
10. **AUTHORIZE PURCHASE ORDER FOR BAY ALARM AT THE CENTENNIAL RECREATION CENTER (CRC) PROJECT**..... 47  
**Recommended Action(s):**
  1. **Make** Determination that Bay Alarm Company is a “Sole Source” Vendor for Fire Alarm, Burglar Alarm and Closed Circuit Television (CCTV) Services at the CRC, as Recommended by the Finance Director, in Accordance with Municipal Code Section 3.04.150.D; and
  2. **Authorize** the City Manager to Execute a Purchase Order with Bay Alarm Company in the Amount of \$62,306.
  
11. **REIMBURSEMENT AGREEMENT WITH FREDERICO ENTERPRISES I, LLC**..... 49  
**Recommended Action(s):**
  1. **Appropriate** \$528,386 from the City’s Current Un-Appropriated Storm Drainage – Non AB 1600 Fund (304);
  2. **Appropriate** \$422,493 from the City’s Current Un-Appropriated Public Facilities – Non AB 1600 Fund (346); and
  3. **Approve** Reimbursement Agreement and **Authorize** the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.
  
12. **RECREATION AND COMMUNITY SERVICES DEPARTMENT PERSONNEL STRUCTURE AND REBUDGETING REQUESTS** ..... 61  
**Recommended Action(s):**
  1. **Approve** the Proposed Structure of the Recreation and Community Service Department and Corresponding Personnel Budget Adjustments;
  2. **Approve** the Realignment of Revenue and Expense Projections for the Community and Cultural Center and Recreation Administration Budgets; and
  3. **Approve** the Rebudgeting of the Centennial Recreation Center Start Up Fund Revenue and Expenses.
  
13. **COMMUNITY DEVELOPMENT DEPARTMENT PERSONNEL CHANGES AND BUDGET READJUSTMENTS**..... 79  
**Recommended Action(s):** **Approve** the Proposed Community Development Department Personnel Changes and Budget Readjustments.

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 14**

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

14. **DISCLOSURE OF PROPERTY OWNERSHIP/INTEREST BY REDEVELOPMENT AGENCY BOARD MEMBER** ..... 93  
Recommended Action(s): **Authorize** the Redevelopment Agency Board to Accept Disclosure of Property Interest Statement from Agency Member Sellers.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 15**

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

15. **APPROVE REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF AUGUST 23, 2006** ..... 99

## ***City Council Action***

### **OTHER BUSINESS:**

Time Estimate

Page

16. 5 Minutes **CITY CO-SPONSORSHIP OF SISTER CITY CHILDREN DANCE AND MUSICAL PERFORMANCES** ..... 121  
Recommended Action(s):  
1. **Consider** Mayor and Sister City Committee Member Bernie Mulligan's Request for City Co-Sponsorship of Dance and musical Performances.  
Should the Council Agree to Co-Sponsor:  
2. **Appropriate** \$1,400 from the General Fund Reserves.

## ***City Council and Redevelopment Agency Action***

### **OTHER BUSINESS:**

Time Estimate

Page

17. 10 Minutes **AGREEMENT WITH 247 WORKSPACE, INC.** ..... 125  
Recommended Action(s):  
Redevelopment Agency Action:  
1. **Authorize** the Executive Director to do Everything Necessary and Appropriate to Execute and Implement an Economic Revitalization Agreement with 247 Workspace, Inc. Subject to Review by Agency General Counsel Approval; and  
City Council Action:  
2. **Authorize** the City Manager to do Everything Necessary and Appropriate to Reimburse the Redevelopment Agency for any Economic Incentive Payments Made to 247 Workspace Inc. with the Sales Tax Revenue Generated by 247 Workspace Inc.

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
18.	15 Minutes	<b><u>COMMUNITY SPECIAL EVENT FUNDING REQUEST APPLICATION FORM AND CRITERIA</u></b> .....	139
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Approve</u></b> Application Form and Criteria; and	
		2. <b><u>Appropriate</u></b> \$5,600 to Downtown Association's Safe Trick or Treat Event.	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

**PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.